

United States District Court**STATE AND DISTRICT OF Minnesota**

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT**ROBERT KENNETH MOORE**

CASE NUMBER: Mag. No. 12:MJ-04 (LIB)

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 24, 2011 in Lake county, in the State and District of Minnesota defendant did by force, violence and intimidation take from the person and presence of a victim teller approximately \$6,669.00 in United States currency belonging to and in the care, custody, control, management, and possession of The Lake Bank Super One Branch located in Two Harbors, Minnesota, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18 United States Code, Section(s) 2113(a).

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

AUSA -LP

Sworn to before me and subscribed in my presence,

1/3/12
 Date
 Leo I Brisbois
 U.S. Magistrate Judge
 Name & Title of Judicial Officer

at Duluth, MN

City and State

Timothy D. Ball
 Signature of Complainant
 Timothy D. Ball
 Special Agent
 Federal Bureau of Investigation

SCANNED

JAN 04 2012

U.S. DISTRICT COURT DULUTH

Signature of Judicial Officer

1 STATE OF MINNESOTA)
 2 COUNTY OF LAKE) ss. AFFIDAVIT OF TIMOTHY D. BALL
 3 _____)

4 I, Timothy D. Ball, being first duly sworn under oath, depose
 5 and state as follows:

6 1. I am a Special Agent (SA) of the Federal Bureau
 7 of Investigation and have been so employed since February of
 8 1997. I am currently assigned to the Duluth, Minnesota
 9 Resident Agency of the FBI with the responsibility of
 10 investigating violations of federal law which occur in the
 11 Duluth RA territory, to include bank robbery.

12 2. This affidavit is based on my training and
 13 experience as well as my knowledge and that of other law
 14 enforcement officers involved in this investigation. Further,
 15 this affidavit contains information to support probable cause
 16 but is not intended to convey facts of the entire
 17 investigation.

18 3. This affidavit is made for the purpose of
 19 establishing probable cause in support of a federal arrest
 20 warrant and, therefore, contains only a summary of relevant
 21 facts. Based upon all of the facts and information set forth
 22 in this affidavit, your affiant believes that probable cause
 23 exists to believe that on or about December 24, 2011, ROBERT
 24 KENNETH MOORE, robbed The Lake Bank, located in the Super One
 25 Grocery Store in Two Harbors, Minnesota, in violation of Title
 26 18, United States Code, Section 2113(a).

27 4. On the morning of December 24, 2011, at
 28 approximately 9:45 a.m., a lone individual entered The Lake

1 Bank wearing a black Carhartt jacket and placed a demand note
2 on the counter. The note stated the individual possessed a gun
3 and to put money in a bag quietly. Further, the note
4 instructed the victim teller not to set off an alarm or to put
5 any dye packets in the bag. During the robbery, the individual
6 kept his left hand in his jacket pocket. The robber took the
7 demand note when he left.

8 5. On December 24, 2011, the writer interviewed the
9 victim teller. The victim teller stated she observed an
10 individual walk into the bank roughly around 9:45a.m. The
11 individual appeared to look suspicious and kept his head down.
12 When the individual walked up to the victim teller's counter,
13 he placed a note on the counter. The robber never spoke during
14 the robbery. The victim teller placed the money from the
15 drawer to include bait bills into a Lake Bank canvas bank bag.
16 After the robber left, the security gate was closed and the
17 alarm pressed. The victim teller described the male as 5'9"
18 tall, approximately 180 pounds, blue eyes, with facial hair.
19 The robber was also described as wearing black shoes with white
20 laces and jeans. The robber stole \$6,669 in U.S. currency.

21 6. On December 24, 2011, the writer interviewed
22 Teller #2. Teller #2 stated he/she saw the individual that
23 robbed the bank. Teller #2 described the individual as
24 approximately 5'9", 200 pounds, wearing dark colored clothes.
25 The robber had his hood up and was wearing a stocking style
26 cap. The robber watched both the victim teller and Teller #2.
27 Teller #2 also stated the robber had facial hair and blue eyes.

28 7. On December 24, 2011, at approximately 11:30

1 p.m., the writer was contacted by the Two Harbors Police
2 Department. The Police Department received a tip on the
3 location of the bank robber. The Proctor Police Department was
4 watching the residence located on the 400 block of 2nd Avenue,
5 Proctor, Minnesota. SA Ball and SA Heidenreich responded to
6 assist.

7 8. On December 25, 2011, at approximately 1:15 a.m.,
8 law enforcement knocked on the residence and were allowed into
9 the apartment. The renter of the apartment, JAMES RUBY, stated
10 he was in the apartment with two other individuals.

11 9. On December 25, 2011, at approximately 1:25 a.m.,
12 SA Heidenreich interviewed the female in the apartment. The
13 female stated that "BOBBY" had arrived at the apartment around
14 6:00 or 7:00 p.m. BOBBY told the female and JACOB CROSS that
15 he had a lot of money because he had robbed a bank earlier that
16 day. BOBBY pulled a "wad" of cash out of the camouflage back
17 pack he had brought to the apartment and showed the female and
18 CROSS the cash. The female then told SA Heidenreich that BOBBY
19 (later identified as ROBERT KENNETH MOORE) was hiding in the
20 bathroom. MOORE was located in the bathroom and placed into
21 handcuffs. MOORE matched the physical description of the
22 individual who robbed The Lake Bank.

23 10. As MOORE was being escorted out of the bathroom
24 and into the living room, a camouflage back pack was located in
25 plain sight. MOORE stated the back pack was his and gave
26 verbal consent to search the back pack. Located inside one of
27 the front zippered pockets was a large amount of U.S. currency.
28 Additionally, SA Ball located a stack of U.S. currency that had

1 a bank strap with The Lake Bank stamp wrapped around it.

2 11. MOORE was escorted to SA Ball's vehicle and
3 placed in the back seat. SA Ball looked at the \$20 bills and
4 located three (3) "bait bills" in MOORE's back pack. MOORE was
5 transported to the Proctor Police Department to be interviewed.
6 MOORE was verbally provided his Miranda rights and agreed to be
7 interviewed. MOORE denied robbing the bank in Two Harbors.

8 12. On December 25, 2011, SA Heidenreich interviewed
9 JAMES DAVID RUBY. RUBY denied any knowledge of the bank
10 robbery.

11 On December 27, 2011, SA Heidenreich again
12 interviewed RUBY. RUBY told SA Heidenreich MOORE had told him
13 he was going to rob a bank when they were together earlier in
14 the morning of December 24, 2011. MOORE was wearing a black
15 Carhartt jacket with a grey hoodie and possibly black jeans.
16 RUBY did not earlier admit to knowing about the bank robbery
17 because he was "scared shitless" and "not in the right mind
18 set." RUBY was also scared of MOORE and the police.

19 At approximately 5:30 p.m. on December 24, 2011, MOORE called
20 RUBY and told RUBY, "I did it" and "I got away with it." MOORE
21 said something about robbing a Super One Store, a bank, or a
22 convenience store. At approximately 7:30p.m. or 8:00p.m., RUBY
23 was told that MOORE was at his apartment. When RUBY arrived,
24 JACOB CROSS and MOORE were counting stacks of \$1 and \$5 dollar
25 bills. MOORE told RUBY he got about \$5,000 from the robbery.
26 MOORE described to RUBY how he robbed the bank. MOORE pulled
27 his hat down over his eyes and put a hoodie over his head.
28 MOORE walked up to the teller and put a demand note on the

1 counter without talking to the teller. MOORE told RUBY he had
2 burned all the clothes, including his jacket and shoes he had
3 been wearing during the robbery.

4 13. On December 27, 2011, MOORE was interviewed by
5 Two Harbors Police Department Investigator Richard Hogenson.
6 MOORE was read his Miranda rights. MOORE waived his rights and
7 provided a taped statement. Initially, MOORE denied robbing
8 The Lake Bank. Eventually, MOORE confessed to robbing the bank
9 and that he had gone to his parents' house in Isabella and
10 burned all the clothes he was wearing during the bank robbery
11 and the demand note in the wood burning stove at his parents'
12 house. MOORE described his plans on robbing a bank and further
13 told law enforcement how he had spent some of the money.

14 14. The deposits at The Lake Bank located at 802
15 11th Street, Two Harbors, Minnesota, were federally insured by
16 the Federal Deposit Insurance Corporation bearing Number 12195
17 at the time of the robbery.

18 15. Based upon these facts conveyed in this
19 affidavit, your affiant believes that there is probable cause
20 to conclude that on or about December 24, 2011, ROBERT KENNETH
21 MOORE did by force, violence and intimidation take from the
22 person and presence of a victim teller approximately \$6,669 in
23 United States currency belonging to and in the care, custody,
24 control, management, and possession of The Lake Bank Super One
25 Branch located in Two Harbors, Minnesota, the deposits of which
26 were then insured by the Federal Deposit Insurance Corporation,
27 in violation of Title 18, United States Code, Section 2113(a).
28

1 Further your affiant sayeth not.
2

3 Timothy D. Ball
4 Timothy D. Ball
5 Special Agent
6 Federal Bureau of Investigation
7 Duluth, Minnesota

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9 Subscribed and sworn to before me this 3rd day of January,
10 2012.
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12
13 Leo I. Brisbois
14 Leo I. Brisbois
15 U.S. Magistrate Judge
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